

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN T. PICKERING-GEORGE,

Plaintiff,

-against-

JOSLYN CARTER, Administrator, Head of
NYC Department of Homeless Service;
CHAIN ADMINISTRATION COMMAND;
SHEMELLA LOVELL, Senior Director,

Defendants.

22-CV-10567 (LTS)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 25, 2008, Plaintiff was barred from filing any new action *in forma pauperis* (IFP) without first obtaining from the Court leave to file.¹ See *Pickering-George v. City of New York Bronx Cnty.*, No. 08-CV-5112 (KMW) (S.D.N.Y. Aug. 25, 2008), *app. dismissed*, No. 08-5355-cv (2d Cir. May 1, 2009).

Plaintiff, proceeding *pro se*, filed this new complaint, together with a motion for leave to file.² (ECF 1, 2.) Plaintiff sues the Administrator of the New York City Department of Homeless Services, and the Senior Director of the Atlantic Men's Shelter. He styles this action, in part, as one seeking to prosecute criminal charges against defendants. (ECF 1 at 10.)

In his motion, the sole reason that Plaintiff provides to support his application for leave to file is that Defendants will not be prejudiced if his motion is granted. (ECF 2.) Having thoroughly reviewed the complaint, the Court finds that it is not a departure from Plaintiff's pattern of frivolous litigation. There are no allegations in the pleading that suggest that Plaintiff

¹ Plaintiff attaches to the complaint a print-out that references many of his prior cases. (ECF 1 at 52-79.)

² Plaintiff did not prepay the filing fee for this action. He submits a self-styled application to proceed *in forma pauperis* on appeal. (ECF 3.)

can state any viable claims against the named Defendants that is within this Court's jurisdiction. The Court therefore denies Plaintiff's request for leave to file this new action *in forma pauperis*, and dismisses the action without prejudice.

CONCLUSION

The action is dismissed without prejudice under the bar order entered in the case under docket number 08-CV-5112 (KMW).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: December 16, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge